

1 **2. ISSUE: IMPROPER CAMPAIGN DIRECTIVES BY DAVE HENDERSHOTT**  
2 **AND OTHERS, 2000 AND 2004 – SUBJECT: HENDERSHOTT**  
3 **(Munnell Memo p. 12)**  
4

5 **Chief Deputy David Hendershott**  
6

7 H2A. Allegedly, in or about 2000, Chief Deputy David Hendershott enlisted Rollie  
8 Seebert and Sgt. Leo Drivinhawk to surreptitiously videotape persons  
9 attending a campaign meeting for Sheriff's candidate Jerry Robertson, and had  
10 Lt. Ray Jones function as an attendee of the meeting.

11 H2B. Allegedly, in or about 2004, Chief Deputy David Hendershott asked Steve  
12 Werner and Scott Freeman to attend a retirement party/campaign event for  
13 Sheriff's candidate Dan Saban, and report back to him what they heard and  
14 observed.  
15

16  
17 **MUNNELL'S WRITTEN ACCOUNT**  
18

19 **More examples of improper campaign activity by Dave Hendershott**  
20

21 Sheriff, just as Richard Nixon did not need the help of the Watergate conspirators to win his  
22 election, you did not need the ill-advised SCA funded smear video to win yours. You are and  
23 always have been a very popular Sheriff and have proven to be a very formidable candidate for  
24 anyone who ever challenged you. However, that fact never seemed to occur to David Hendershott  
25 who has always risked your candidacy and bad publicity by attempting unethical and embarrassing  
26 campaign dirty tricks on your behalf.  
27

28 One such example is the 2000 election against Sheriff's candidate Jerry Robertson. In an attempt  
29 to identify Sheriff's employees who supported Robertson, Hendershott enlisted Deputy Chief  
30 Rollie Seebert and Sergeant Leo Drivinhawk to secretly take video footage of persons attending a  
31 campaign meeting that was held at the F.O.P. Lodge Five Hall in Phoenix.  
32

33 Hendershott arranged for a recreational vehicle from a local businessman/posse member and  
34 Seebert and Drivinhawk parked the vehicle across the street from the F.O.P. hall at a nearby  
35 bowling alley parking lot. The pair then proceeded to videotape everyone who attended the  
36 meeting. Later when Seebert played the footage for Hendershott and pointed out that Lt. Ray  
37 Jones was present, Hendershott laughed and said that he had arranged for Jones to attend as his  
38 inside guy.  
39

40 A second example is the 2004 elections against Sheriff's candidate Dan Saban. In this case,  
41 Hendershott contact Deputy Chief Steve Werner and Deputy Chief Scott Freeman and again  
42 wanted them to attend a campaign event to likely identify Sheriff's employees who were present.  
43 However, both Freeman and Werner appropriately refused to be involved. When Werner called  
44 Hendershott and told him that you were going to easily win the election and didn't need a "Back  
45 Bag Operation", Hendershott became angry and called him a "Fucking Cunt." I know from  
46 speaking with both of them at the time that Hendershott was very angry with them and both were  
47 on the outs with him for quite some time.  
48

49 **WITNESSES LISTED BY MUNNELL**  
50

MCSO Investigation No. M081710, Principals: Hendershott, Black and Fox  
Report of Administrative Investigation by PCSO  
April 11, 2011

1 Director Rollie Seebert  
2 Sgt. Leo Drivinhawk (retired)  
3 Executive Chief Scott Freeman  
4 Director Steve Werner

Participated in surveillance of opponents.  
Participated in surveillance of opponents.  
DH requested he spy on Saban campaign event.  
DH requested he spy on Saban Campaign event.

5  
6 **NARRATIVE SUMMARY**

7  
8 In 2000, Hendershott enlisted Deputy Chief Rollie Seebert and Sgt. Leo Drivinhawk to  
9 secure secret video footage of persons attending a Jerry Robertson campaign meeting  
10 held at the FOP Lodge to identify MCSO employees supporting Robertson. Lt. Ray  
11 Jones attended the meeting as the "inside guy."

12  
13 In 2004, Hendershott asked Deputy Chief Steve Werner and Deputy Chief Scott  
14 Freeman to attend a retirement party/campaign event for Sheriff's candidate Dan  
15 Saban, and report back to him what transpired.

16  
17 **WITNESS ACCOUNTS**

18  
19 **Frank Munnell**

20  
21 2000 event. Munnell acknowledged that all information he has concerning these issues  
22 came from Rollie Seebert. He has no firsthand knowledge concerning these events.

23  
24 2004 event. Munnell indicated that the source of this information was Steve Werner.  
25 Munnell denied having any firsthand knowledge of these issues.

26  
27 **Scott Freeman**

28  
29 2000 event. Scott Freeman has no information relating to this allegation.

30  
31 2004 event. Freeman's account as to what transpired is as follows.

32  
33 A: A couple of days before Saban's retirement party, Steve Werner came to  
34 me and said, hey, Dave wants us to go to Saban's retirement. I said, that's  
35 bullshit. I'm not going. And Steve, now Steve and I had kind of been the  
36 designated go-to retirement Chiefs, you know. When Herb retired we'd go to that  
37 one. It was always that kind. Steve and I were kind of the, you guys go do that  
38 because I'm too busy. What conversation Dave had with Steve, I don't know.  
39 Whether he asked him to go there and spy, or see who was there, or whatever. I  
40 don't know. But I told Steve I don't want to go. And he begged me to go with  
41 him, I don't want to go alone, please come, please come, you know, you and I  
42 always do, you know, these retirement things. I said, I'll tell you what, you get  
43 me an invitation to Dan Saban's retirement and I'll go. And he contacted Greg  
44 Fowler. G.T. Fowler, currently the Chief of Police of (inaud.). But he was an  
45 assistant Chief over at Mesa at the time. And friends of mine and Steve's. And

1 Steve told me that G.T. had invited. I said, fine. I'll go with you. So, we went  
2 there and we sat with some members of Mesa PD. Steve Towland and G.T. was  
3 at the table and a number of us. That particular day my wife was having a real  
4 bad day being harassed by her boss. And she was texting me telling me that she  
5 was going to end up having to quit. And I'm sitting in the middle of this thing  
6 and I'm thinking, shit, I've got to get out of here, you know, that kind of thing. I  
7 finally convinced Steve about half way through the thing we need to go. I need to  
8 go deal with my wife. During the time we were there, a friend of Saban's got up  
9 and told a story about Saban exposing himself to his, the speaker's five year old  
10 or three year old son. How, he'd gotten out of the shower, or something. Just, it  
11 was a, a story. It was subsequently investigated by Mesa PD, County Attorney.  
12 But the room was full of Mesa PD, county attorneys, blah, blah, blah. So, when  
13 we walked out I told Steve Werner, I said, today you're going to swear a blood  
14 oath, you are never, ever, ever going to tell Dave Hendershott that we heard that  
15 story. I will not have those poor guys in the Threats Units go through what they  
16 went through with Saban's mother and that rape allegation. I'm just, we're not  
17 going to do it. I don't care what it takes, Steve, but you are not going to share that  
18 piece of information with Dave. Well, he found out about it later. But, as a result  
19 of us leaving, we were ostracized for a good three months. And when I say  
20 ostracized, I mean Dave wouldn't talk to us. He called Jerry Sheridan and told  
21 Jerry Sheridan I don't want those guys having anything to do with the Sheriff's  
22 campaign. I don't want them doing signatures. I don't want them having signs. I  
23 don't want anything to do with them.... (p. 39, Exhibit II14a)

24  
25 Scott advised that Hendershott would not talk to him for approximately three months.  
26 The next night, there was a fundraiser in Paradise Valley for Sheriff Arpaio, and Warner  
27 and Freeman went to the event. They were completely ignored. Freeman did say that  
28 after Saban's retirement party, Hendershott did call him, or he called Hendershott, and  
29 Hendershott asked what had happened at the retirement party. Freeman told  
30 Hendershott that he and Werner had left early, and Hendershott was "absolutely  
31 furious," and hung up on Freeman. (p. 42, Exhibit II14a)

32  
33 Later, Hendershott accused him of being disloyal to the Sheriff, which Freeman strongly  
34 contested. (p. 43, Exhibit II14a)

35  
36 Sometime much later, Hendershott asked Freeman about the story where someone at  
37 the retirement party had told a compromising story about Saban. Hendershott had  
38 learned of this and learned that the Mesa Police Department was conducting an  
39 investigation into possible indecent exposure. He believes that the investigation "went  
40 away" because of issues with the statute of limitations.

41  
42 **Brian Sands**  
43

1 2000 event. Sands has no firsthand knowledge about this. He does recall, vaguely,  
2 receiving information about what occurred from Ray Jones, but denied having any  
3 recollection of the specific information Jones provided.

4  
5 2004 event. Sands denied having any information relating to this issue or the events  
6 alleged.

7  
8 **Don Schneidmiller**

9  
10 2000 event. Schneidmiller has no first-hand knowledge concerning Hendershott asking  
11 Seibert and Drivinghawk to video tape a Jerry Robinson campaign meeting, but he did  
12 have his own story about what Hendershott had asked him to do.

13  
14 A: Hendershott called me into his office and he called John Kleinheinz into  
15 his office. He told me that at the FOP, Jerry Robertson, was going to be  
16 announcing his candidacy for Sheriff, having a press conference, and that Rick  
17 Romley was also going to be present and announcing his candidacy, I think, either  
18 for County Attorney and/or his endorsement of Jerry Robertson for Sheriff. So  
19 Hendershott tells me that, he actually hands me a piece of paper. And I can't  
20 remember what it said, but he said, here's a list of the things that Robertson has  
21 done wrong. These are some of the things that he needs to be questioned about  
22 that led to him leaving the office.

23  
24 Q: Wait a minute, whose office?

25  
26 A: Our office.

27  
28 Q: Okay, he was a former employee of the Sheriff's Office?

29  
30 A: Former employee, yes. In other words, he says, go down, he goes, Don,  
31 drive your personal car, it wasn't, would you please do this, this was, okay, here's  
32 what we need you to do. You're going to go down there and you're going to take  
33 your personal car, so nobody will see the government car in the parking lot, sit in  
34 the audience, keep quiet, and when he opens up the floor to questions, make sure  
35 the cameras are on, I want you to stand up and start hitting all these things, and  
36 make sure you get through your list so everybody gets a chance to hear some of  
37 the things that he was involved in. Some of the questionable behaviors and things  
38 that paint unfavorably to his character. (p. 23, Exhibit II34a)

39  
40 Ultimately, while Schneidmiller did attend the press conference, he did not ask any  
41 questions, and felt somewhat humiliated that he had even been asked by Hendershott  
42 to engage in the conduct. But when asked if a request had been made by Hendershott  
43 to do this while he was in duty, Schneidmiller's response was as follows.  
44

MCSO Investigation No. M081710, Principals: Hendershott, Black and Fox  
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1 A: I was on-duty when the request was made. But it was clear that I was to  
2 be off-duty for, you know, show on my time sheet that I was off, and not go on  
3 the taxpayer dime.

4 Q: Was the press conference during your normal work hours?

5 A: I believe it was. I remember being careful to put a chit in there and to  
6 create a paper trail to show that I was off during that time. (p. 24, Exhibit II34a)

7  
8  
9 The request was made in Hendershott's office. When asked if Hendershott said, "We're  
10 on break now," before he gave Schneidmiller the instructions, Schneidmiller's response  
11 was as follows.  
12

13 A: I don't recall. Those were meaningless to us though. I mean it was not  
14 uncommon to take 15 breaks if a new issue came up. That was so ridiculous, that  
15 exercise, of "we're on break" for the next sentence or two.  
16

17 Q: Did he actually say that?

18 A: Well, he said that to me a bunch. Whether he said that then, I couldn't  
19 say. (p. 25, Exhibit II34a)  
20  
21

22 After the Robinson press conference, Hendershott asked for a debriefing about what  
23 had happened. Schneidmiller explained that there was an FBI Agent present, which  
24 caught him off guard, and Hendershott "became infatuated" with the fact that the FBI  
25 had people at a political press conference. Hendershott did not question why Don had  
26 not followed Hendershott's instructions and asked him the embarrassing questions.  
27

28  
29 2004 event. Schneidmiller has no first-hand knowledge about this, but did received  
30 information from Freeman and Werner, who Don characterized as good friends of his.  
31

32 **Rollie Seebert**

33  
34 2000 event. According to Seebert, Hendershott did ask Rollie and Leo Drivinhawk to  
35 videotape who was going in and out of the facility where a campaign meeting was being  
36 held for Jerry Robertson. They did what Hendershott asked, and later that afternoon  
37 Seebert took the tape to Hendershott's house and they reviewed it. They took the video  
38 from a camper that they obtained from Fox Rent-a-Car, a rental agency that was loosely  
39 tied with Shirley Garner and Courtesy Chevrolet, which leased vehicles to MCSO.  
40 Seebert took the video to Hendershott's home at approximately 4:30 to 5:00 o'clock in  
41 the afternoon, where they viewed the video. The purpose of the recording was to  
42 document what individuals were going in and out of the facility, including MCSO  
43 personnel and other individuals. The work was done off-duty, and as far as Seebert  
44 knew, they were not breaking any election or other laws by taking the videotape. He  
45 thought that the event occurred on a Saturday, when both he and Leo Drivinhawk were

1 not working. He did not remember if, when Hendershott asked him to do this task,  
2 Hendershott had called him into the office, or asked him to do so telephonically. As  
3 Seebert put it,

4  
5 Dave's way of talking about things like this, would be to call you in and say,  
6 we're off on a break right now, and then talk about it. I don't recall that  
7 happening in this particular case. Probably on the phone, but I don't know... (p.  
8 25, Exhibit II36)

9  
10 During the review of the video, Seebert brought to Hendershott's attention that  
11 Lieutenant Ray Jones had attended the meeting, but Hendershott was aware of this,  
12 and said that Jones was "our inside guy." (p. 25, Exhibit II36) Seebert does not know  
13 what happened to the video tape.

14  
15 2004 event. Rollie Seebert has no information relating to this allegation.

16  
17 **Jerry Sheridan**

18  
19 2000 event. Sheridan denied having any knowledge of these events, or of having heard  
20 about them prior to the Munnell Memo.

21  
22 2004 event. Sheridan indicated that, one evening, Hendershott called Sheridan, and  
23 was "just absolutely foaming at the mouth" and screaming at Sheridan. In reference to  
24 Warner and Freeman, Hendershott said, "Don't ever let them fucking help with anything  
25 on this campaign ever fucking again." Hendershott said that Warner and Freeman  
26 wouldn't do what he wanted them to do, so "fuck them." (p. 15, Exhibit II37) In response  
27 to inquiries from the team, Sheridan understood to mean that Freeman and Werner  
28 were not going to be among the "trusted loyal guys" they were not going to be working  
29 on the campaign, and they were not "going to get the windfall of that either." (p. 15,  
30 Exhibit II37)

31  
32 Sheridan indicated that Hendershott did not go into detail about what Warner and  
33 Freeman had failed to do that he had asked them to do. Sheridan's comments about  
34 what happened in this telephone conversation with Hendershott was as follows.

35  
36 A: ... He did say that part, but whether he got into exactly what it was, he  
37 was really frickin' mad. And I don't know if you're going to get a sense of when  
38 Dave gets angry, after talking' to all of us, how angry an individual, how ugly an  
39 individual could be, but you probably will. You just want to get off the phone.  
40 You don't want to ask questions or linger and chit chat. Even though he wasn't  
41 mad at me. (p. 16, Exhibit II37)

42  
43 Later, Sheridan had the opportunity to speak with Freeman and Warner about what had  
44 occurred, and they told Sheridan that "they wouldn't do it, they wouldn't go snitch on  
45 Saban." (p. 17, Exhibit II37) He believes that specifically, they did not surreptitiously

1 tape record the event for Saban, and as Sheridan put it, "Dave was always famous for  
2 sending people to an event to tape it, and that's what I remember them, with a mission  
3 to go tape this thing." (p. 17, Exhibit II37) Sheridan indicated that at this point, he is not  
4 exactly sure what Warner and Freeman didn't do that Hendershott asked them to do,  
5 but he believes it had to do with the recording, either they recorded it and didn't give the  
6 tape to Hendershott, or they decided not to record it. The bottom line, according to  
7 Sheridan, is that "they didn't give Dave what he wanted." (p. 17, Exhibit II37)

8  
9 **Steven Werner**

10  
11 Werner acknowledged that in 2004, Chief Hendershott asked him and Scott Freeman to  
12 attend a retirement party for Dan Saban. According to Werner, it was common  
13 knowledge that Werner had a professional relationship with Dan Saban and had even  
14 dated someone Saban knew. Chief Hendershott, aware of Werner's relationship with  
15 Saban from Mesa PD, came to Werner's office and told Werner that he wanted him to  
16 attend Dan Saban's retirement party, which Werner had not yet been invited to attend.  
17 Werner explained that he and Scott Freeman had represented MCSO at many funerals  
18 and retirements as a professional courtesy. Hendershott told Werner that he wanted  
19 Werner to find take note of who showed up at the event and to see if the party had  
20 anything to do with Saban's campaign. Freeman and Werner went to Mesa to attend  
21 the party. Werner explained that there were a lot of his friends in attendance from Mesa  
22 PD, including Captain Lynn Adams, whose daughter is Werner's goddaughter. He  
23 explained that both he and Freeman were "disgusted" with their assignment and said  
24 that as he and Freeman approached their table, next to the table of Captain Adams,  
25 facetious comments were made to Freeman and Werner to the effect of, "Oh, spies are  
26 here." They stayed for approximately 1½ hours and then left, but Werner said they  
27 were very quiet and uncomfortable on the way home.

28  
29 Later that night, Chief Hendershott called Werner at home and asked him what  
30 happened at the retirement party. Werner told Hendershott, "Hey Chief, our guy is so  
31 good, our guy's so great. I mean, we don't need to do this black bag bullshit," referring  
32 to Sheriff Arpaio. Hendershott proceeded to scream vulgar comments at Werner and  
33 told Werner, "Oh, you are nothing but a fucking cunt!" Freeman and Werner then spoke  
34 with each other 15-20 minutes later and Werner learned that Freeman received the  
35 same call from Hendershott. Werner then received a call from Jerry Sheridan, who  
36 Werner had learned to trust during his MCSO career. Sheridan asked Werner, "What  
37 did you do?" because Hendershott had called Sheridan and told Sheridan that Werner  
38 and Freeman were in on the Saban campaign and Hendershott told Sheridan that  
39 Werner and Freeman were "blackballed" and not to be trusted.

40  
41 **David Hendershott**

42  
43 2000 event. Hendershott's comments relating to this allegation are as follows.  
44

1 A: Totally true, not illegal at all. No conversations on duty, it's our right to  
2 be involved, and anybody that's been involved in politics in the last thousand  
3 years knows you always put what is termed a "shill" inside the other guys camp  
4 trying to get him saying, quite frankly catch him saying something stupid and then  
5 you use it against him to win the election. The motor home that he refers to that I  
6 arranged, they arranged it, it was Leo's old fishing RV and it specifically wasn't  
7 to look for employees, specifically there's a term called "smurfing" and what you  
8 do is and this is a political strategy, let's say that the Sheriff has a fundraiser and  
9 it's out at, I don't care, I don't know, JR's Corral. Okay what you would do is  
10 let's say the fundraiser's a hundred dollars a head and it's very important to  
11 political campaigns to understand the financial strength of people and when it  
12 occurs so what you would do is you would stick somebody out there and you  
13 would count heads and in really large fundraisers where it's not practical you  
14 would count cars. Then what you do is you take the amount of money raised that  
15 shows up on the report and see how it matches the crowd count. Now why that's  
16 important is, I'll give you an example in this specific case, it was as I recall it was  
17 a very low entry fee and I don't even begin to recall how many people walked in  
18 the door.

19  
20 Q: You're talking about the event for Robertson?

21  
22 A: Yes, sir. I don't, I mean it's a fairly small parking lot, it's a small hall I  
23 don't remember there being hundreds and hundreds of people there but at twenty  
24 five dollars a head, let's just say for the example, if Robertson holds a fundraiser  
25 for a hundred dollars a head okay? And ten people walk into the place that's a  
26 thousand dollars, okay on the average that he reports on that day but if he reports  
27 ten thousand dollars then he's made a lot of money and he brought it in and  
28 perhaps he says he got it in cash well that's called smurfing, is the term for it.  
29 This has happened in every election as a matter of fact I mean Carl Rove in his  
30 book actually talks about the importance of learning what your candidate says  
31 because generally a candidate at his fundraiser place the crowd almost universally  
32 makes extraordinary stupid statements and those are statements that can be used  
33 against him in the election, okay? (p. 2, Exhibit II16c)

34  
35 Hendershott claims that the request to Seebert, Drivinhawk and Jones did not occur  
36 while they were on duty, and there was no County equipment used in this effort. He  
37 asserted that the video recorder that was used was not County equipment. Hendershott  
38 did review the videotape after the campaign event, and when asked whether he  
39 reviewed in on County time, he said that he probably reviewed it during the lunch hour,  
40 while acknowledging that he did not really recall. He did not remember whether he  
41 reviewed the videotape in the presence of Seebert or Drivinhawk. He did comment  
42 that Seebert and Drivinhawk did not know that he had asked Ray Jones to attend.

43  
44 2004 event. When asked whether Hendershott had asked Werner and Freeman to  
45 attend a retirement party/campaign event for then Sheriff's candidate Dan Saban, and



1 report back to Hendershott about what they had heard and observed, Hendershott's  
2 comments were as follows.

3  
4 A: No, let me put down, let me tell you exactly what happened. Steve  
5 Werner, Dan Saban was retiring his official department retirement party where all  
6 law enforcement come and you know it's kind of a standard. Steve Werner  
7 through the years was a very good friend of Dan Saban and was his roommate  
8 while during the college years so, Steve came to me and said and this is during the  
9 time that he was already announcing for Sheriff, he said hey you know I'd really  
10 like to go to Dan Saban's retirement party but Steve was sensitive to the issue that  
11 you know he was running against the Sheriff and he didn't want any grief. He  
12 didn't want to upset anybody and people are human, if the Sheriff sees a guy at a  
13 campaign fundraiser that's one thing but going to his official retirement party, if  
14 you know the guy, you know the guy. So what I did, cause he was nervous, I  
15 asked Scott Freeman if he would go to the retirement party with Steve. Now I  
16 will tell you that that really is, and it wasn't a campaign party, let's make this  
17 clear, it wasn't his campaign at all it was his, his office gave him awards and  
18 neighboring police departments gave him plaques. It's the, you know, where you  
19 get the most plaques you've ever go in your life on the same day. I mean that's  
20 the, you know, we could build a Chris Craft out of the plaques. Now when, I will  
21 tell you though, when they came back, and why it's important is this was the  
22 retirement party where Dan Saban basically told everybody, or Dan Saban's  
23 friend, Rick Davis, told everybody that he had, that Saban had exposed himself I  
24 don't know five year old son or whatever and this, I don't want to get far field but  
25 that's what led his agency to start an investigation on him. All that has come out  
26 in the trial and I will tell you to this day that issue has clearly, I mean if you listen  
27 to the tapes I think that job insufficient as for how it was investigated but let's just  
28 stay away from that whole issue. (p. 4, Exhibit II16c)

29  
30 When asked whether he had asked Werner and Freeman to report back to him, the  
31 conversation was as follows.

32  
33 A: No, they just came back to me.

34  
35 Q: So you didn't ask them?

36  
37 A: No. I said how did it go? I mean you know I don't know what I said to  
38 them but I might have saw them in the hall and said hey, how did it go or you  
39 know I mean I don't remember that but I don't think that's a big deal if I said  
40 something like how did it go. I mean they certainly weren't there for any political  
41 purpose.

42  
43 Q: You've characterized this as a retirement party, was there some mention  
44 during the course of that party as you understand about Saban's intentions to seek  
45 the office of Sheriff?

1  
2 A: Well...

3  
4 Q: From what you've understood?

5  
6 A: You know what, I viewed the retirement party on YouTube. Somebody  
7 had taken video of it. Was it YouTube, I don't know. Nobody that I asked to  
8 videotape okay, it was either through, I'm sorry it was through the lawsuit we  
9 obtained a video of the retirement party that Saban had took and he produced  
10 during the discovery and during the, I would say ninety five percent of the day it  
11 was strictly agencies and all that. Right near the end of the day there was I don't  
12 know some people that were, my perception was is they were probably helping  
13 him with his campaign and he they kind of tagged the end of it with and let's all  
14 get behind Dan to run for Sheriff. And of course that was very uncomfortable for  
15 everybody in the room. You know, I would feel uncomfortable about that,  
16 because that's not what the party was for and in all honesty from looking at the  
17 tape I don't even think Dan Saban knew that would be said. I think it was just  
18 one of his supporters that didn't understand the separation. (pp. 4-5, Exhibit  
19 II16c)

20  
21 Hendershott indicated that Werner and Freeman reported back to him about what had  
22 occurred. He did acknowledge asking Freeman to go with Werner, to support Werner,  
23 who, according to Hendershott "tends to be a little bit of a nervous Nelly." (p. 5, Exhibit  
24 II16c) The following discussion took place in the interview relating to this issue.

25  
26 Q: I'm a little bit unclear as to why Steve would need to have some support at  
27 that retirement party.

28  
29 A: Well that was my impression that he was worried because of his friendship  
30 and I thought he'd feel better if somebody went with. It could have been  
31 Freeman, it could have been Churay, it could have been anybody but a senior. I  
32 certainly wasn't going to go, okay. The Sheriff certainly wasn't going to go so  
33 frankly I think Scott was the guy that walked by next, you know. So not a big  
34 deal, just a standard retirement party and the only thing big out of that was Davis'  
35 revelation? (p. 6, Exhibit II16c)

36  
37 In the final interview of Hendershott, he was asked again about what had occurred, and  
38 whether he was upset with Werner or Freeman in any way. His responses were as  
39 follows.

40  
41 Q: .... The next issue is really one that we talked at length about and there  
42 was just a specific comment that was attributed to that I did not ask you about,  
43 and this has to do with that 2004 event that was I believe Saban's retirement  
44 party. Do you remember our discussion about that and the fact that Werner and  
45 Freeman were in attendance at that meeting?

1  
2 A: Yes, go ahead.

3  
4 Q: Alright, I just wanted to make sure we were on the same page as to what  
5 we were talking about, well anyway, from what I understand from Steve Werner,  
6 he said that after that particular event he had a discussion with you and he told  
7 you that you know Sheriff Arpaio was going to easily win the election and that  
8 really didn't need to have a black bag operation such as what you were asking, or  
9 you had asked Werner and Freeman to do. Do you remember Werner...

10  
11 A: ...wait a minute, first off let me go back, Keith.

12  
13 Q: Sure.

14  
15 A: Steve Werner approached me and said that he wanted to go to Dan  
16 Saban's retirement party because he and Dan Saban were roommates and he had  
17 known him for the last 30 years and I said sure you can go and then I said why  
18 don't you take Scott with you okay, and they went, they came back the only thing  
19 that I remember anybody saying was about this thing about Saban showing his  
20 genitals to a little kid. And that it was a very unsettling to happen, okay that's it.  
21 I don't what your, you know, I don't where Werner's coming off at all, it doesn't  
22 make any sense to me. I don't, first off, I don't remember any conversation other  
23 than, they came back and out of it they told me about this, these statements that  
24 were made about Saban's past.

25  
26 Q: Are you sure it was them that made those statements to you or could it  
27 have been somebody else?

28  
29 A: No, I'm pretty sure it was them because they would have been the only  
30 one there. I mean nobody else from our office went.

31  
32 Q: Alright. Was there any point in time in the aftermath of that particular  
33 sequence of events where they attended this retirement party that you were upset  
34 with Werner or Freeman?

35  
36 A: Absolutely not, you know I said Steve, you've known the guy for 30  
37 years, go ahead and go and I said why don't you bring Scott, and so they, you  
38 know, and a lot of agencies will send representatives and all that kind of stuff. I  
39 mean that's, that's it. And I don't Werner's getting all this other stuff because it  
40 wasn't any kind of a, it was a retirement party hosted by the, you know I mean,  
41 like the agencies, it wasn't a political fundraiser for Saban and you know who  
42 knows what Steve's thinking. (pp. 19-20, Exhibit III16h)